

## **REMARKS**

The Office Action dated January 3, 2006, has been received and carefully noted. The amendments made herein and the following remarks are submitted as a full and complete response thereto.

Claim 1 has been amended. The Applicant submits that the amendments made herein are fully supported in the specification and the drawings as originally filed, and therefore no new matter has been added. Accordingly, claims 1-3 are pending in the present application, and are in condition for issuance.

### **Rejection of Claims 1-3 Under 35 U.S.C. § 103(a)**

Claims 1-3 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hakkinen et al. (U.S. Patent Publication No. 2001/0023185, hereinafter "Hakkinen") in view of Nakano (U.S. Patent No. 5,933,782). This rejection is respectfully traversed.

Applicant respectfully submits that claim 1, as amended, is directed to a radio base station for performing a radio communication with a plurality of mobile stations each of which performs a diversity reception using a plurality of antennas, where the diversity reception is a technology for combining radio waves received through a plurality of antennas. Yet, claim 1 as amended recites that the "mobile station stops the diversity reception using the plurality of antennas and performs a reception using one antenna" by selecting one among the received radio waves.

For instance, claim 1 recites at least two essential features: "the radio base station ... transmitting, when the radio base station starts a communication with a mobile station by the space division multiplex method, an instruction to stop performing

a diversity reception using the plurality of antennas to the mobile station,” and upon receiving the instruction from the radio base station, “the mobile station stops the diversity reception using the plurality of antennas and performs a reception using one antenna.”

In making the rejection, the Office Action acknowledged that Hakkinen does not teach transmitting when the radio base station starts a communication with a mobile station by the space division multiplex method, an instruction to stop performing a diversity reception to the mobile station, which is one of the essential features recited in claim 1.

Furthermore, it is respectfully submitted that Hakkinen fails to teach that upon receiving the instruction from the radio base station, the mobile station stops the diversity reception using the plurality of antennas and performs a reception using one antenna, which is also another essential features as recited in claim 1. The Office Action cited Nakano as allegedly curing the above-mentioned deficient features in Hakkinen.

The Applicant respectfully disagrees, and submits that Nakano is directed to site diversity in which a mobile station having one antenna simultaneously connects to a plurality of radio base stations, and combines signals received from the plurality of radio base stations.

As apparent from this, Nakano fails to show a mobile station having a plurality of antennas. It is respectfully submitted that Nakano neither recites nor suggests at least

the above-mentioned essential features of claim 1 that include such as a requirement of stopping a diversity reception that is carried out by using a plurality of antennas.

In addition, the Applicant submits that the present invention provides the advantage of improving communication quality. For instance, there is a problem in general that when a space-division-multiplex base station uses the space division multiplex to communicate with a plurality of mobile stations performing the diversity reception, the communication quality deteriorates. However, the present invention prevents the communication quality of the diversity reception from deteriorating by having the mobile station stop the diversity reception while performing a communication with a radio base station by the space division multiplex method.

Accordingly, the Applicant respectfully submits that claim 1 is not rendered obvious by the Hakkinen in view of Nakano. Therefore, the Applicant respectfully submits that claim 1 is allowable.

As claims 2-3 depend from claim 1, the Applicant submits that each of these claims incorporates the patentable aspects therein, and are therefore allowable for at least the reasons set forth above with respect to the independent claim, as well as for the additional subject matter recited therein.

Accordingly, the Applicant respectfully requests withdrawal of the rejection.

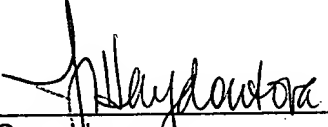
### **Conclusion**

In view of the above, the Applicants respectfully request that claims 1-3 be found allowable and that this application be passed to issue.

If for any reason, the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact the Applicant's undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper has not been timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, referencing docket number 101201-00013.

Respectfully submitted,

  
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